

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PAPST LICENSING GmbH & Co. KG
Plaintiff,

v.

CANON, INC. and CANON USA, INC.

Defendants.

Civil Action No. 08cv3609

NOTICE OF CONDITIONAL TRANSFER ORDER

Plaintiff, Papst Licensing GmbH & Co. KG (“Papst Licensing”), hereby notifies this Court that on July 22, 2008, the Judicial Panel on Multidistrict Litigation (“MDL Panel”) issued a *conditional* transfer order (copy attached hereto as Exhibit A), which specifically relates to this action.

On November 5, 2007, the MDL Panel transferred four civil actions (involving the same patents that are involved in this action) to the United States District Court for the District of Columbia for coordinated or consolidated retrial proceedings pursuant to 28 U.S.C. § 1407. All such actions have been assigned to the Honorable Rosemary M. Collyer.

The MDL Panel issued the conditional transfer order as a result of a Notice of Potential Tag-Along Action, which was filed on June 30, 2008 by Papst Licensing GmbH & Co. KG (a current party to the MDL pending in the District of Columbia) with the Judicial Panel on Multidistrict Litigation (copy attached hereto as Exhibit B). In connection with the July 22, 2008 conditional transfer order, the MDL Panel set August 6, 2008 as the deadline

for the filing of any opposition to the transfer of this action to the consolidated MDL action. If no opposition is filed, pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, then this action will be transferred under 28 U.S.C. § 1407 to the District of Columbia for consolidation with the pending MDL proceedings before Judge Darrah.

Dated: July 29, 2008

/s/ John L. Ambrogi

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*Attorneys for Papst Licensing GmbH
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF CONDITIONAL TRANSFER ORDER was served on this the 29th day of July, 2008 upon the following as indicated:

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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

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<http://www.jpml.uscourts.gov>

July 22, 2008

TO INVOLVED COUNSEL

Re: MDL No. 1880 -- IN RE: Papst Licensing Digital Camera Patent Litigation

(See Attached CTO-5)

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Panel involving the above-captioned matter. This matter is transferred pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001). Copies of Rule 5.2, dealing with service, and Rules 7.4 and 7.5, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 7.4(b) to notify this office BY FAXSIMILE, at (202) 502-2888, of any official changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc., as indicated by an order filed by the district court. Your cooperation would be appreciated.

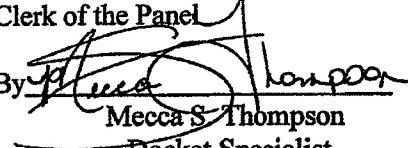
NOTICE OF OPPOSITION DUE ON OR BEFORE: August 6, 2008 (12 noon EST)
(Facsimile transmission is suggested.)

If you are considering opposing this conditional transfer order, please review Rules 7.4 and 7.5 of the Panel Rules before filing your Notice of Opposition.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

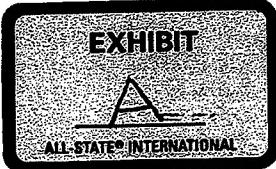
By 
Mecca S. Thompson
Docket Specialist

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WELSH & KELLY LTD.

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Attachments



JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 22 2008

FILED
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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: PAPST LICENSING DIGITAL CAMERA
PATENT LITIGATION

MDL No. 1880

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-5)

On November 5, 2007, the Panel transferred three civil actions to the United States District Court for the District of Columbia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 528 F.Supp.2d 1357 (J.P.M.L. 2007). Since that time, three additional actions have been transferred to the District of Columbia. With the consent of that court, all such actions have been assigned to the Honorable Rosemary M. Collyer.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of Columbia and assigned to Judge Collyer.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Columbia for the reasons stated in the order of November 5, 2007, and, with the consent of that court, assigned to the Honorable Rosemary M. Collyer.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Columbia. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

**IN RE: PAPST LICENSING DIGITAL CAMERA
PATENT LITIGATION**

MDL No. 1880

SCHEDULE CTO-5 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A.#</u>	CASE CAPTION
ILLINOIS NORTHERN	
ILN 1 08-3608	Papst Licensing GmbH & Co. KG v. Sanyo Electric Co., Ltd., et al.
ILN 1 08-3609	Papst Licensing GmbH & Co. KG v. Canon, Inc., et al.
ILN 1 08-3627	Papst Licensing GmbH & Co. KG v. Eastman Kodak Co.

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

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**IN RE PAPST LICENSING GMBH & CO.
KG LITIGATION**

)
) **MDL Docket No. 1880**
) **JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION**
)

**NOTIFICATION OF POTENTIAL
“TAG-ALONG” ACTION PURSUANT TO JPML RULE 7.5(e)**

Pursuant to JPML Rule 7.5(e), counsel for Papst Licensing GmbH & Co. KG (“Papst”) respectfully notifies the Clerk of the Panel of the following potential “tag-along action” that was filed in the United States District Court For the Northern District of Illinois on June 24, 2008, that is styled *Papst Licensing GmbH & Co. KG. v. Canon Inc. and Canon USA, Inc.*, Case No. 08cv3609, and that it is assigned to the Honorable Judge Kennelly. The complaint for patent infringement is attached hereto as Exhibit A. The Canon action involves the same patents (U.S. Patent No. 6,470,399 and U.S. Patent No. 6,895,449) that are the subject of the actions that are currently part of MDL No. 1880.

Dated: June 30, 2008

Respectfully submitted,

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*Attorney For Papst Licensing GmbH
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EXHIBIT

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